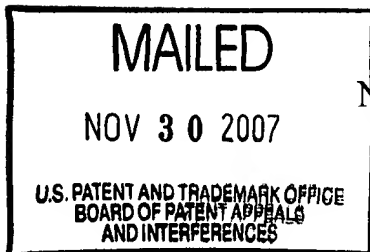


UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte MARI SAITO,  
NORIYUKI YAMAMOTO, HIROYUKI HOURIN,  
and KAZUNORI OHMURA

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Application 09/785,204

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on November 27, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

An examination of the Image File Wrapper (IFW) reveals that while the Examiner's Answer mailed June 20, 2007, lists Schaffer et al.

(U.S. Patent No. 6,094,681 (hereinafter Shaffer) and Conley, Jr. et al., U.S.

Patent No. 6,434,745 (hereinafter Conley, Jr.) on page 2 under the caption

(8) Evidence Relied Upon,” the claim rejections are listed as follows:

Claims 1-4, 9-11, 14-17, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Schaffer et al. (U.S. Patent No. 6,094,681) [page 3];

Claims 5-8, 12-13, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (U.S. Patent No. 6,094,681) in view of Conley, Jr. et al. (U.S. Patent No. 6,434,745 B1) [page 8]; and

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (U.S. Patent No. 6,094,681) in view of CAPPI (U.S. Pub. No. 2002/0038308 A1 [page 13].

The Examiner’s Answer mailed June 20, 2007 is deficient because the

“Evidence Relied Upon” section does not include the Cappi reference.

Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1) for submission of a PTOL-90 which corrects the “Evidence Relied Upon” section; and

2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: *Patrick J. Nolan*  
PATRICK J. NOLAN  
Deputy Chief Appeals Administrator  
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PJN:psb

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